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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,622	06/26/2000	Eiichiro Kawakami	32011-164584	3193
26694	7590	09/08/2004	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			NGUYEN, QUANG N	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/603,622

Applicant(s)

KAWAKAMI ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detail Action

1. This Office Action is in response to the Amendment filed on 07/22/2004. Claim 1 has been amended. Claims 12-13 have been cancelled. Claims 1-11 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonno (6,404,739), in view of Miller et al. (StarBurst Multicast File Transfer Protocol (MFTP) Specification), herein after referred as Miller.**

4. As per claim 1, Gonno teaches:

a main station (*transmitter 1; C5: L66-67*);

plural substations connected to said main station by a common transmission line

(*the receivers may be placed in one network; C6: L1-6; Figs. 9A, 9B*);

a data transmitter (*transmitter 1*) which transmits data addressed to all of said plural substations (C5:L66 - C2:L6);

plural data receivers (*receivers 3.1, 3.2, ..., 3.5*) which receive said data, provided in said plural substations respectively (C6: L1-2);

plural response transmitters which transmit a carrier as a response message (*acknowledge signals ACK or retransmission request signals NAK*), only when said data could not be received normally, provided on said plural substations (C6: L21-24); and

wherein, whenever said main station receives a certain signal wave, said main station judges the signal wave said carrier transmitted from one or more of said plural substations and retransmits said data addressed to all of said plural substations (*if it is determined that the retransmission signal NAK was received, the process proceeds to step S6, in which retransmission request signals NAK are totaled and the data is retransmitted across the broadcast link 4 to all substations as in step S7; Fig. 5; C7: L54-67 and C11: L42-57*) and wherein when the main station detects no signal during a certain time period, the main station transmits the next transmission data (*if it is determined that the retransmission request signal NAK has not been received, the process returns to step S1, in which transmission conditions are transmitted concerning the next data to be transmitted; C11: L28-41*).

However, Gonno does not explicitly teach a message transmitter, which transmits a query message, addressed to all of said plural substations after said data are transmitted, to inquire whether reception was normal, provided in said main station.

In a related art, Miller teaches a multicast transmission environment that makes use of a Status Request Message that is sent from the server to the client to query it for its reception status. Miller also teaches that the query can be sent in broadcast or multicast mode (*addressed to all the recipients of the data; page 50, section 12.2.4*).

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to include inquiring all nodes about the reception status of data as taught by Miller in the method of Gonno because this Status Request Message would allow Gonno to reliably broadcast messages without explicitly knowing each of the recipients of the broadcast messages and without having to use congestion causing ACK messages to ensure reliability.

5. As per claim 2, Gonno-Miller teaches the system of claim 1, wherein said main station receiving said carrier within a prescribed period of time (*after finishing the transmission of packets, there is a predetermined waiting time and the transmitter receives and totals retransmission requests*) (Gonno, C9: L25-28).

6. As per claim 3, Gonno-Miller teaches the system of claim 2, wherein said prescribed period of time being the period until the time to start the next transmission of the data (*after finishing the transmission of packets, there is a predetermined waiting time and if there is no retransmission request signals NAK received, the process returns to step S1 and the next data is transmitted*) (Gonno, Fig. 5; C11: L31-40).

7. As per claims 4 and 5, Gonno-Miller teaches the system of claim 2, wherein:

said main station determining that all of said plural substations were able to receive said data normally (*i.e., none of retransmission request signals NAK received at all in the waiting period*), when said main station does not receive said carrier within a prescribed period of time; and

said main station effecting the next data transmission when said carrier is not received within a prescribed period of time (*i.e., the process returns to step S1 and the next data is transmitted, if none of retransmission request signals NAK received at all in the waiting period*) (Gonno, Fig. 5; C11: L31-40).

8. As per claims 6 and 7, Gonno-Miller teaches the system of claim 2, wherein:

said main station determining that any of said plural substations were unable to receive said data normally, when said main station receives said carrier within a prescribed period of time (*i.e., receiving the retransmission request signals NAK in the waiting period*); and

said main station re-transmitting said data when the carrier is received within a prescribed period of time (Gonno, Fig. 5; C11: L41-57).

9. As per claim 8, Gonno-Miller teaches the system of claim 7, wherein said main station terminating the transmission of said data and effecting the transmission of next data when said carrier is received after the same data have been transmitted a

prescribed number of times (*i.e., limiting the number of retransmissions*) (Gonno, C10: L25-32).

10. As per claims 10 and 11, Gonno-Miller teaches the system of claim 1, wherein:
said plural substations, when said normally received data are received once more, deleting said data (*duplicate packets are deleted by the receiving unit 21*); and
said plural substations, when said data that could not be normally received are received once more, store said data (*the receivers determine if they have already received the packets and if so, delete the packets, otherwise store them*) (Gonno, Fig. 7; C13: L10-35).

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gonno-Miller, and further in view of Gagne et al. (5,473,608), herein after referred as Gagne.

12. As per claim 9, Gonno-Miller teaches the system of claim 1, but does not explicitly teach the main station changing said prescribed number of times.

In a related art, Gagne teaches a method of communications in a distributed network that includes a user-defined timeout (C18: L5-6) and other customizable communication primitives (C2:L61 - C3:L3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include customizable communication primitives (*the main station changing said prescribed number of times*) as taught by Gagne in the system of Gonno/Miller because customizable communication primitives allow for specific, customized communications based on the users needs as taught by Gagne (C2:L66 - C3:L3).

Response to Arguments

13. In the remarks, applicant argued in substance that,

(A) "The transmitter of Gonno and the server of Miller both know the existence of the receiver and of the client, respectively, wherein the present claims do not require knowing the existence of a substation."

As to point (A), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies on, such that "The transmitter of Gonno ... respectively, wherein the present claims do not require knowing the existence of a substation" on page 6 of the Amendment, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

14. Applicant's arguments as well as request for reconsideration filed on 07/22/2004 have been fully considered but they are not deemed to be persuasive.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen
Examiner


Paul Kang
Primary Examiner